IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1120 (S/S) of 2007

Smt. Byom Dangwal W/o Sri Chet Ram Dangwal
Assistant Teacher in Primary School Cheli-ka-Danda, Block Jonpur
District- Tehri Garhwal ------Petitioner

Versus

1. State of Uttarakhand through its Secretary, Basic Education, Dehradun, District Dehradun
2. Director, School Education Uttarakhand, Dehradun, district Dehradun
3. District Education Officer, Narendranagar, District Tehri Garhwal
4. Additional District Education Officer (Basic), New Tehri, District Tehri Garhwal

------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rakesh Thapliyal, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 14.6.2007 passed by the Additional District Education Officer (Basic) Tehri Garhwal so far as it relates to the present petitioner
2. Issue a writ, order or direction in the nature of mandamus directing to the respondents not to interfere in the peacefully function of the petitioner as an Assistant Teacher in Primary School Cheli-ka-Danda, Block Jonpur, District Tehri Garhwal

3. Issue any suitable writ, order or direction, which this Hon'ble Court may deem fit and proper on the basis of the facts and circumstances of the case.
4. Award the cost of the petition to the petitioner.

The stand of the petitioner is that earlier by order dated 20.02.2006, she was adjusted in the present Primary School Cheli-ka-Danda and now again by the impugned order dated 14.06.2007, she is adjusted to Primary School, Bhatgaon, Block Bhilangna.

This order has been assailed by the petitioner mainly on two grounds. First, that in pursuance to the order dated 20.02.2006, the petitioner has already been adjusted to the present institution, then there is no justification to adjust her again in another institution. Second ground of attack is that there are 40 students in the present institution and as per the Government Circular dated 13.07.2007, two teachers are required in the institution and, in fact, there are two teachers in the institution including the petitioner.

Learned counsel for the petitioner has submitted that raising all her grievances, the petitioner has already moved a representation dated 02.07.2007, which is still pending and has also alleged that considering all these circumstances, petitioner should not have been adjusted.

Considering the circumstances aforesaid, I deem it fit and proper to direct the Additional District Education Officer (Basic), New Tehri to decide the representation of the petitioner dated 02.07.2007 by a speaking order on all the grounds raised by the

petitioner within a period of two weeks from the date of production of a certified copy of this order before him.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

21.08.2007
VKS